

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/585,826	BURGER, MICHAEL ALBERTUS
	<b>Examiner</b>	<b>Art Unit</b>

Camtu T. Nguyen

3772

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to applicant's amendment filed on 7/23/2010.
2.  The allowed claim(s) is/are 1-3, 5, 6 and 8-21.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 9/27/2010.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



## **DETAILED ACTION**

### ***Response to Amendment & Remarks***

This Office Action is responding to applicant's amendment filed on 7/23/2010. Claims 4 & 7 have been cancelled. Claim 21 is newly added. Claims 1-3, 5-6, and 8-20 have been amended.

The drawings Objections have been withdrawn in view of applicant's remarks.

The claims Objections have been withdrawn in view of applicant's amendment.

The 112, 2<sup>nd</sup> paragraph rejection has been withdrawn in view of applicant's amendment.

Claim 1, as amended, incorporated the limitations of claims 4 & 7, indicated in the previous Office Action as having allowable subject matter.

Newly added claim 21, incorporated the limitations of claims 1, 6, and 19, indicated in the previous Office Action as having allowable subject matter.

### ***Specification***

The specification was received on 7/23/2010. The specification is approved and has been entered.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Allowable Subject Matter***

Claims 1-3, 5-6, and 8-21 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the art of record when applied alone or in combination neither anticipates nor renders obvious a device for preventing bruxism comprising a carrier provided with at least one anchoring member comprises an electrically conductive wire with a solid core of a biocompatible metal.

Regarding claim 21, the art of record when applied alone or in combination neither anticipates nor renders obvious a device for preventing bruxism comprising a carrier provided with at least one anchoring member comprises an electrically conductive signal sensor of the bio-feedback system which comprises an electrically conductive wire with a solid core of a biocompatible metal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Dworkin of U.S. Patent No. 4,842,519 discloses an intraoral device (10) comprising a carrier (16) comprises at least a circuit (12) and the carrier (16) is in secured temporary fixation with the user's by anchor members (40, 42) but does not disclose the anchor member (40, 42) are of an electrically conductive wire with a solid core of biocompatible metal (required by claim 1) nor of an electrically conductive signal sensor of the bio-feedback system which comprises an electrically conductive wire with a solid core of a biocompatible metal (required by claim 21).

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Goozner on 9/27/2010.

The application has been amended as follows:

In the specification, under the title, insert the following:

**-- CROSS RERERENCE TO RELATED APPLICATIONS**

This application is the national stage of International Appl. No. PCT/NL2004/000895, filed December 21, 2004, which claims priority of Netherlands Appl. No. 1025223, filed January 13, 2004. --

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Camtu T. Nguyen/  
Examiner, Art Unit 3772

/Patricia Bianco/  
Supervisory Patent Examiner, Art Unit 3772